

1 **STEVE EMERY TEICH**

Cal. State Bar No. **78397**

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3 San Francisco, CA 94102

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**PROPOSED**

4 Attorney for Defendant

5 **CLAUDIO BETANCOURT**

6  
7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN JOSE JUDICIAL DISTRICT**

10 **UNITED STATES OF AMERICA,** )

**CR. 12-00233-DLJ**

11 Plaintiff, )

12 v. )

13 **CLAUDIO BETANCOURT,** )

14 Defendant. )

**STIPULATION AND ORDER  
TO CONTINUE SETTING DATE AND TO  
EXCLUDE TIME UNDER SPEEDY TRIAL  
ACT[18 U.S.C. § 3161(h)]**

15 Defendant Claudio Betancourt through defense counsel Steve Emery Teich and the United  
16 States government through Assistant United States Attorney Daniel Kaleba stipulate as follows:

17 Defense Counsel has received audio and video recordings in this matter, as well as a Court  
18 order permitting Mr. Betancourt to review the materials on an Ipad. Review of these materials is  
19 ongoing, and defense has raised a subsequent request for additional discovery.

20 Defense counsel therefore requests a continuance of the case set before Judge Jensen until  
21 December 6<sup>th</sup> 2012 at 9:00 a.m., to allow Mr. Betancourt and counsel to review the material and  
22 for defense counsel and the government to consult to try and resolve this case.

23 Defense makes this request to provide adequate preparation of the case;

24 Based on these facts, the parties stipulate and agree that the trial delay and exclusion of  
25 time requested herein is necessary to provide defendant adequate time to effectively prepare the  
26 case. The parties further stipulate and agree that the ends of justice to be served by granting the  
27 requested continuance outweigh the best interests of the public and the defendant in a speedy trial.  
28 The parties, through their respective counsel, hereby stipulate and request that the hearing on the

1 setting date scheduled in this case for November 1, 2012, at 9:00 a.m before Judge Jensen should  
2 be vacated and the matter reset for a hearing on for December 6, 2012, at 9:00 a.m., or as soon  
3 thereafter as may be heard by the Court.

4 In addition, the parties stipulate that the time period from November 1, 2012, to December  
5 6, 2012, should be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv),  
6 and due to the need to provide defendant with reasonable time to prepare. A proposed order is  
7 attached and lodged separately for the Court's convenience.

8 Respectfully submitted,

9  
10 DATED: October 30, 2012

11 By: /s/ Steve E. Teich  
12 STEVE E. TEICH  
Attorney for Defendant  
CLAUDIO BETANCOURT

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14  
15 DATED: October 30, 2012

MELNDA HAAG  
United States Attorney

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17 By: /s/ Daniel Kaleba  
18 DANIEL KALEBA  
Assistant U.S. Attorney  
19 For the United States of America  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE JUDICIAL DISTRICT**

<b>UNITED STATES OF AMERICA,</b>	)	CR. No. CR. 12-00233-DLJ
	)	
	)	
Plaintiff,	)	<b>   ORDER TO CONTINUE</b>
	)	<b>SETTING DATE AND TO EXCLUDE TIME</b>
v.	)	<b>UNDER SPEEDY TRIAL ACT</b>
	)	<b>[18 U.S.C. § 3161(h)]</b>
	)	
<b>CLAUDIO BETANCOURT,</b>	)	
	)	
	)	
Defendant.	)	
_____	)	

Based on the reasons set forth in the stipulation of the parties filed on July 25, 2012, and good cause appearing therefrom, the Court adopts the stipulation of the parties in its entirety.

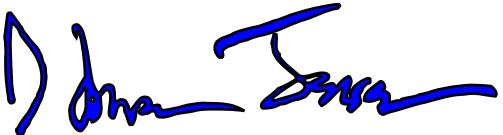
**IT IS HEREBY ORDERED** that the hearings scheduled for November 1, 2012 before Judge Jensen is vacated and that the case before Judge Jensen is set for a hearing on **December 6, 2012, at 9:00 a.m.** or as soon thereafter as may be heard by the Court.

The Court further finds that the ends of justice that will be served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, **IT IS HEREBY ORDERED** that, for the reasons stated in the parties' October 30, 2012 stipulation, the time within which the trial of this matter must be commenced under the Speedy Trial Act is **EXCLUDED** during the time period from October 30, 2012 , through December 6, 2012, pursuant

1 to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), due to the need to provide defendant with effective  
2 preparation of his case.

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4 **IT IS SO ORDERED.**

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7 DATED: FFD FG

8 By:   
9 **HONORABLE F. J. G. JENSEN**  
10 United States District Judge  
11 Northern District of California  
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